CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

DEC 16 2009

JOHN F. CORCORAN, CLERK
BY: Jaylo

DONNIE L. COOK,	
Petitioner,	Case No. 7:09CV00460
<b>v.</b>	FINAL ORDER
VIRGINIA DEPARTMENT OF CORRECTIONS,	By: Glen E. Conrad United States District Judge
Respondent.	)

In accordance with the accompanying memorandum opinion, it is hereby

## **ORDERED**

that the petition for a writ of habeas corpus is **DISMISSED** without prejudice for failure to exhaust state court remedies, and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 16th day of December, 2009.

United States District Judge

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